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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

DIGITAL LICENSING INC. (d/b/a “DEBT Box”), a Wyoming corporation; JASON R. ANDERSON, an individual; JACOB S. ANDERSON, an individual; SCHAD E. BRANNON, an individual; ROYDON B. NELSON, an individual; JAMES E. FRANKLIN, an individual; WESTERN OIL EXPLORATION COMPANY, INC., a Nevada corporation; RYAN B OWEN, an individual; IX GLOBAL, LLC, a Utah limited liability company; JOSEPH A. MARTINEZ, an individual; BENJAMIN F. DANIELS, an individual; MARK W. SCHULER, an individual; B & B INVESTMENT GROUP, LLC (d/b/a “CORE 1 CRYPTO”), a Utah limited liability company; TRAVIS A. FLAHERTY, an individual; ALTON O. PARKER, an individual; BW HOLDINGS, LLC (d/b/a the “FAIR PROJECT”), a Utah limited liability company; BRENDAN J. STANGIS, an individual; and MATTHEW D. FRITZSCHE, an individual;

Defendants.

**MATTHEW FRITZSCHE’S
OPPOSITION TO THE SEC’S
MOTION FOR DISMISSAL OF THIS
ACTION WITHOUT PREJUDICE
AND FOR VACATUR OF THE
COURT’S ORDER FOR THE
MARCH 7, 2024 HEARING**

Chief Judge Robert J. Shelby

Case No. 2:23-cv-00482-RJS-DBP

Magistrate Judge Dustin B. Pead

ARCHER DRILLING, LLC, a Wyoming limited liability company; BUSINESS FUNDING SOLUTIONS, LLC, a Utah limited liability company; BLOX LENDING, LLC, a Utah limited liability company; CALMFRITZ HOLDING, LLC, a Utah limited liability company; CALMES & CO, INC., a Utah corporation; FLAHERTY ENTERPRISES, LLC, an Arizona limited liability company; IX VENTURES FZCO, a United Arab Emirates company; PURDY OIL, LLC, a Nebraska limited liability company; THE GOLD COLLECTIVE LLC, a Utah limited liability company; and UIU HOLDINGS, LLC, a Delaware limited liability company,

Relief Defendants.

Under DUCivR 7-1(a)(7), defendant Matthew Fritzsche incorporates by reference the points by defendants Digital Licensing Inc., Jason R. Anderson, Jacob S. Anderson, Schad E. Brannon, and Roydon B. Nelson and Relief Defendants Business Funding Solutions, LLC, Blox Lending, LLC, The Gold Collective LLC, and UIU Holdings, LLC’S (the “DEBT Box Defendants”) in their “Opposition to the SEC’s Motion for Dismissal of this Action Without Prejudice and for Vacatur of the Court’s Order for the March 7, 2024 Hearing” (“Opposition”) (Dkt. 261).

INCORPORATION OF OTHERS’ POINTS

The Opposition contains legal statements, general factual statements about the SEC, and specific factual statements about the improper, sanctionable conduct by the SEC (and its counsel) in this case. By this reference, Mr. Fritzsche incorporates these statements. Mr. Fritzsche is particularly concerned about the possibility a dismissal without prejudice of this lawsuit would

prompt the SEC to resume its unscrutinized administrative efforts, which included numerous investigative subpoenas (containing interrogatories and production requests) unrestrained by procedural rules and limitations like those in place in this case. *See* Dkt. 132 (the Debt Box Defendants on pages 22-23 describing the improper subpoenas); *id.* 159 (Mr. Fritzsche on page 4 doing likewise).

CONCLUSION

For the foregoing reasons, Matthew Fritzsche respectfully requests that the SEC's motion to dismiss under Rule 41(a)(2) and to vacate the March 7, 2024 hearing be denied in full.

Dated this 14th day of February 2024.

KESLER & RUST

/s/ Adam L. Grundvig

Adam L. Grundvig
Attorneys for Matthew Fritzsche

CERTIFICATE OF SERVICE

I certify that I caused to be delivered through CM/ECF filing a true and correct copy of the foregoing **MATTHEW FRITZSCHE’S OPPOSITION TO THE SEC’S MOTION FOR DISMISSAL OF THIS ACTION WITHOUT PREJUDICE AND FOR VACATUR OF THE COURT’S ORDER FOR THE MARCH 7, 2024 HEARING** on February 14, 2024 to all counsel of record.

/s/ Cindee Elmer
